

SENATE BILL 1465

By Bell

AN ACT to amend Tennessee Code Annotated, Section 49-6-3001, relative to schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c)

(1) Every parent, guardian or other legal custodian residing within this state having control or charge of any child or children between six (6) years of age and seventeen (17) years of age, both inclusive, shall cause the child or children to attend public or non-public school, and in event of failure to do so, shall be subject to the penalties provided in this part. The LEA in which a transfer student seeks to enroll may require disclosure and copies of the student's records in accordance with the Family Education Rights and Privacy Act, compiled in 20 U.S.C. § 1232g et seq., including, but not limited to, disciplinary records from educational agencies where the student was previously enrolled.

(2) Subdivision (c)(1) does not apply to any child who:

(A) Has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state;

(B) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization or who has obtained a GED.

Any institution or organization that enrolls a child who is under eighteen

(18) years of age shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under eighteen (18) years of age. If the local board of education determines any child under eighteen (18) years of age is not making satisfactory progress, then the child shall be subject to subdivision (c)(1);

(C) Is six (6) years of age or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the director of the LEA or with the director of a church-related school; or

(D) A student enrolled in a home school who has reached seventeen (17) years of age.

(3) As used in this part, “public school” and “non-public school” are defined as follows:

(A) “Non-public school” means a church-related school, home school or private school;

(i) “Church-related school” means a school as defined in § 49-50-801;

(ii) “Home school” means a school as defined in § 49-6-3050; and

(iii) “Private school” means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education; and

(B) "Public school" means any school operated by an LEA or by the state with public funds.

(4) A parent or guardian with any good and substantial reason as determined by the parent or other person having legal custody of a child, and agreed to by the respective local board of education, may withdraw the parent's or other person's child from a public school; provided, that within fifteen (15) days the parent or person having legal custody of the child places the child in a public school designated by the local board of education or in a non-public school. A public school designated by the local board of education shall be selected in consultation with the parents to address the particular needs of the child.

(5) A parent or guardian who believes that the parent's or guardian's child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school that the child would attend for a one (1) semester or one (1) year deferral in required attendance. The deferral shall be reported to the director of the LEA by the principal. The principal shall encourage attendance by a child at the designated age of mandatory attendance unless the principal, in the principal's professional judgment, believes the child's best interest would be served by delaying attendance in school.

(6) Notwithstanding any other law to the contrary, a person designated as a caregiver with the power of attorney for care of a minor child pursuant to title 34, chapter 6, part 3 shall have the right to enroll the minor child in the LEA serving the area where the caregiver resides. The LEA shall allow a caregiver with a properly executed power of attorney for care of a minor child, pursuant to title 34, chapter 6, part 3, to enroll the minor child, but may require

documentation of the minor child's residence with a caregiver or documentation or other verification of the validity of the stated hardship prior to enrollment. If the minor child ceases to reside with the caregiver, then the caregiver shall notify any person, school or health care provider that has been provided documentation of the power of attorney for care of a minor child. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to this title. If at any time the parent or legal guardian disagrees with the decision of the caregiver or chooses to make any educational decisions for the minor child, then the parent must revoke the power of attorney and provide the LEA written documentation of the revocation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.